

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**ALVIN DARRELL SMITH,**

**Petitioner,**

**v.**

**2:05 CV 64  
(Maxwell)**

**WARDEN AL HAYNES,**

**Respondent.**

**ORDER**

Having considered the Petitioner's Motion and Affidavit for Permission to Appeal *In Forma Pauperis*, filed in the above-styled *habeas corpus* action on October 3, 2007, it is

**ORDERED** that, pursuant to Rule 24(a) of the Federal Rules of Appellate Procedure, the Petitioner's Motion for Permission to Appeal *In Forma Pauperis* (Docket No. 51) be, and the same is hereby, **GRANTED**, and the Petitioner may proceed on appeal without prepayment of costs or fees. It is further

**ORDERED** that the Clerk of Court shall transmit the record in the above-styled *habeas corpus* action to the United States Court of Appeals for the Fourth Circuit in accordance with Rule 11 of the Federal Rules of Appellate Procedure. It is further

**ORDERED** that the Clerk of Court shall transmit a copy of this Order to the *pro se* Petitioner; to counsel of record; and to the United States Court of Appeals for the Fourth Circuit.

**ENTER:** December   4  , 2007

**/S/ Robert E. Maxwell**

United States District Judge